

PHILLIP A. TALBERT  
Acting United States Attorney  
CHRISTOPHER D. BAKER  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CASE NO. 5:21-sw-00027 JLT

IN RE: APPLICATION OF THE UNITED  
STATES OF AMERICA FOR AN ORDER  
AUTHORIZING THE INSTALLATION AND  
USE OF PEN REGISTER AND TRAP AND  
TRACE DEVICE.

ORDER AUTHORIZING THE INSTALLATION  
AND USE OF PEN REGISTER AND TRAP AND  
TRACE DEVICE

**UNDER SEAL**

**ORDER**

CHRISTOPHER D. BAKER, on behalf of the United States, has submitted an application pursuant to 18 U.S.C. §§ 3122 and 3123, requesting that the Court issue an Order authorizing the installation and use of a pen register and trap and trace device (“pen-trap device”) on the Instagram account described in Attachment A, which is incorporated into this Order by reference.

The Court finds that an attorney for the government has submitted the application and has certified that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation being conducted by Homeland Security Investigations and the U.S. Marshals Service - HSI and USMS - of unknown individuals in connection with possible violations of 21 U.S.C. §§ 841(a), (conspiracy to distribute and possess with intent to distribute controlled substances).

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 3123, that HSI and USMS may install and use a pen/trap device to record, decode, and/or capture the dialing, routing, addressing, and signaling information associated with each communication (including account logins, photo and video

1 uploads, comments, and communications sent or received via Instagram Direct) to or from the  
2 account(s) described in Attachment A, including, without geographic limit: the date and time of the  
3 communication; source and destination information (including account and device identifiers and login  
4 and transactional IP addresses with associated port numbers); and any other header or routing  
5 information.

6 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(c)(1), that the use and installation of  
7 the foregoing is authorized for sixty days from the date of this Order;

8 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), that  
9 Facebook, the owner of Instagram, and any other person or entity providing wire or electronic  
10 communication service in the United States whose assistance may, pursuant to 18 U.S.C. § 3123(a),  
11 facilitate the execution of this Order shall, upon service of this Order, furnish information, facilities, and  
12 technical assistance necessary to install the pen-trap device, including installation and operation of the  
13 pen-trap device unobtrusively and with minimum disruption of normal service;

14 IT IS FURTHER ORDERED that HSI and USMS reasonably compensate Facebook and any  
15 other person or entity whose assistance facilitates execution of this Order for reasonable expenses  
16 incurred in complying with this Order;

17 IT IS FURTHER ORDERED that Facebook and any other person or entity whose assistance may  
18 facilitate execution of this Order give prior notice to the applicant and HSI and USMS before  
19 terminating or changing service to the account described in Attachment A;

20 IT IS FURTHER ORDERED that HSI and USMS and the applicant have access to the  
21 information collected by the pen-trap devices as soon as practicable, twenty-four hours per day, or at  
22 such other times as may be acceptable to the HSI and USMS, for the duration of the Order;

23 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(d)(2), that Facebook and any other  
24 person or entity whose assistance facilitates execution of this Order, and their agents and employees,  
25 shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of the  
26 application and this Order, the pen-trap devices, or the investigation to any person, unless and until  
27 otherwise ordered by the Court, except that Facebook may disclose this Order to an attorney for  
28 Facebook for the purpose of receiving legal advice;

1 IT IS FURTHER ORDERED that the Clerk of the Court shall provide the United States  
2 Attorney's Office with three certified copies of this application and Order, and shall provide copies of  
3 this Order to HSI and USMS and Facebook upon request;

4 IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise  
5 ordered by the Court, pursuant to 18 U.S.C. § 3123(d)(1).

6  
7 Dated: March 19, 2021

  
Hon. Jennifer L. Thurston  
CHIEF U.S. MAGISTRATE JUDGE

**ATTACHMENT A**

Facebook, Inc.

Type of facility	Number or identifier	Subscriber, if known	Subject of investigation, if known
Instagram account	y.gallegoss (active on, but not limited to, March 17, 2021)	Yvette Gallegos	Yvette Gallegos